

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action:
  - a. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 103 (a) as being anticipated by Rakib (U.S. Pub. No. 2004/0172658) in view of Skones (U.S. Patent No. 6,760,342);
  - b. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib (U.S. Pub. No. 2004/0172658) in view of Skones (U.S. Patent No. 6,760,342), and further in view of Son (U.S. Pub. No. 2002/0047899).

The rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-37 and 42-63.

2. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 103 (a) as being anticipated by Rakib (U.S. Pub. No. 2004/0172658) in view of Skones (U.S. Patent No. 6,760,342). Claim 1 has been amended to include the following:

interpreting the encoded channel data to identify a channel of interest of the set of selected channels based on a specific channel selection request, wherein each channel of the set of selected channels has a data type;

authenticating the specific channel selection request and, when authenticated:

processing the encoded channel data, which includes data of the channel of interest based on the data type to produce generic data for each channel of the set of selected channels;

combining, by a channel mixer, the generic data of each channel of the set of selected channels into a stream of data; and

transmitting the stream of data to a plurality of client devices, wherein the channel of interest is accessible from the stream of data by a client device of the plurality of client devices based upon the specific channel selection request.

Rakib includes the following discussion:

[0154] Step 120 represents the optional step of authentication and/or conditional access gating carried out at the headend prior to routing the IP request packet to the video server. In some embodiments, the IP packet bearing the VOD request is routed to the video server only if the user making the request is authenticated and/or is an authorized subscriber to the requested service. This is typically by using the source address as a search key to search a lookup table of authorized users. The manner in which the requested services such as VOD are monitored so that they are delivered only to authorized subscribers is not critical to the invention, and the lookup function mentioned as part of step 120 can be replaced with any known manner of gating services only to authorized users. The gating function can also be done at the gateways after transmission of the VOD data downstream, and the gateway 14 shows conditional access modules 126 and 186 representing these embodiments. In these embodiments where the conditional access gating function is performed at the gateway, step 120 is not needed. Processes for performing conditional access gating at the customer premises are well known in C band and Ku band subscription-based analog and digital video broadcasting, and need not be detailed here. To implement this known type of conditional access at the consumer premises, each gateway has a decryption module (**126, 186** and similar circuitry in ADSL modem **182**) with a key or password stored therein. This key or password is used by the video server or other service provider to encrypt the VOD data or other data encoding the requested service using the authorized subscriber's public key. Only that subscriber can decrypt the data using his private key. The conditional access modules **126** and **186 in FIG. 4A** are intended to symbolize any of these known prior art structures and processes for blocking access by unauthorized persons to services. [Emphasis added]

Rakib's system's does not authenticate a specific channel selection request as part of the selection of the set of channels. As discussed above, Rakib's authentication takes place at the head end and not part of selection of a set of channels. Further Rakib's authentication is of the user making the request, and not of the specific channel selection request itself. This deficiency in Rakib is not corrected by its combination with Skones that addresses merely a multichannel chanelizer. For these reasons, claim 1 is believed to

be patentably distinct. Claims 16, 37 and 52 have been amended in a similar fashion and are believed to be patentably distinct for similar reasons.

Claims 2-15, 17-27, 42-51 and 53-63 are dependent upon claims 1, 16, 37 and 52 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 1, 16, 37 and 52 over the present rejection are applicable in distinguishing claims 2-15, 17-27, 42-51 and 53-63 over the same rejection.

3. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib (U.S. Pub. No. 2004/0172658) in view of Skones (U.S. Patent No. 6,760,342), and further in view of Son (U.S. Pub. No. 2002/0047899). Claim 28 has been amended in a similar fashion to claim 1 and is believed to be patentably distinct from Rakib and Skones for similar reasons. In particular, the deficiency in Rakib and Skones is not corrected by its further combination with Son.

Claims 29-36 are dependent upon claim 28 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 28 over the present rejection are applicable in distinguishing claims 29-36 over the same rejection

### **CONCLUSION**

For the foregoing reasons, the applicant believes that claims 1-37 and 42-63 are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

**RESPECTFULLY SUBMITTED,**

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